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Proposed Attorneys for Elissa D. Miller,
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re
GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR
Chapter 7

**STIPULATION CONFIRMING PRE-
PETITION AGREEMENT AND
AUTHORIZING PAYMENT OF FEES
AND EXPENSES TO BE DISBURSED
TO THE ESTATE**

[No Hearing Required]

TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE:

Elissa D. Miller, the chapter 7 trustee of the bankruptcy estate of Girardi Keese (the "Trustee"), by and through her attorneys, and Alder Law, P.C. ("AlderLaw"), enter into this *Stipulation Confirming Pre-Petition Agreement and Authorizing Payment of Fees and Expenses to be Disbursed to the Estate* (the "Stipulation") as follows:

RECITALS

A. On December 18, 2020 (the "Petition Date"), an involuntary chapter 7 bankruptcy petition ("Petition") was filed against Girardi Keese ("Debtor"). As of the filing

1 of the involuntary petition, Debtor was counsel of record in a significant number of
2 matters which were undertaken on a contingency basis.

3 B. The petitioning creditors moved for the appointment of an interim trustee
4 which was granted by the Court by order entered January 5, 2021. The Trustee was
5 appointed as the interim chapter 7 trustee on January 6, 2021. The order for relief was
6 entered January 13, 2021 and, the same date, the Trustee was reappointed and has
7 been serving in that capacity since.

8 C. On October 10, 2017, Debtor commenced an action on behalf of a client in
9 Orange County Superior Court (the "Superior Court Case").¹

10 D. The Trustee is advised that prior to the Petition Date, in approximately July
11 of 2020, Debtor and AlderLaw entered into an agreement whereby AlderLaw would
12 substitute in to represent the Debtor's client as plaintiff's counsel, and Debtor would
13 receive 25% of AlderLaw's fee recovery, plus reimbursement of all expenses. The
14 Trustee is further advised that in addition, the Debtor, AlderLaw and the plaintiff/former
15 client agreed that the Debtor and AlderLaw would waive certain nominal fees.

16 E. The Superior Court Case was recently resolved. Pursuant to a confidential
17 settlement agreement, plaintiff/Debtor's former client will be paid directly by defendants.
18 The Debtor's estate is entitled to fees totaling \$190,000.00 and costs totaling \$19,082.71.

19 F. Due to the Debtor's bankruptcy, defendants are reluctant to remit the fees
20 and costs to the Debtor's estate without written confirmation from the Trustee of the
21 amounts set forth above.

22
23 **STIPULATION**

24 In light of the foregoing, the parties stipulate as follows:
25
26

27 ¹ The settlement agreement referenced in paragraph E is confidential and the disclosure of the case
28 name, number, or identity of the parties could lead to a breach of the confidentiality provision and
jeopardize the settlement.

1 1. The Trustee, on behalf of the Debtor's estate, confirms the pre-petition
2 agreement between Debtor and AlderLaw whereby Debtor is to receive 25% of the
3 AlderLaw's fee recovery from the State Court Case plus the reimbursement of expenses,
4 as set forth in the Recitals; and

5 2. The Trustee is authorized to instruct the defendant(s) to issue the Debtor's
6 fees and costs of \$190,000.00 and \$19,082.71, respectively, to the Trustee to and for the
7 benefit of the Debtor's estate.

8 **IT IS SO STIPULATED.**

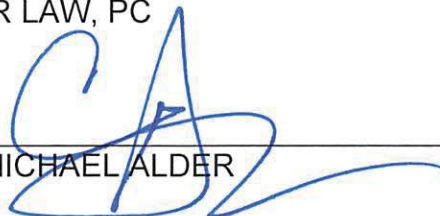
9
10 DATED: January 19, 2021

SMILEY WANG-EKVALL, LLP

11
12 By: 
13 LEI LEI WANG EKVALL
14 Proposed Attorneys for Elissa D. Miller,
15 Chapter 7 Trustee

16 DATED: January 19 2021

ALDER LAW, PC

17 By: 
18 MICHAEL ALDER
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION CONFIRMING PREPETITION AGREEMENT AND AUTHORIZING PAYMENT OF FEES AND EXPENSES TO BE DISBURSED TO THE ESTATE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) January 19, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) January 19, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1660
Los Angeles, CA 90012

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 19, 2021

Date

Gabriela Gomez-Cruz

Printed Name

/s/ Gabriela Gomez-Cruz

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

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